

### **III. REMARKS**

1. Claims 1, 6, 7, 10 and 11 are amended. Claim 14 is new.
2. It is noted that the rejection of claim 11 under 35 U.S.C. 101 has been withdrawn.
3. Claims 1-4 and 6-14 are patentable under 35 U.S.C. 103(a) over Ben-Shachar et al., US 6,208,996 (hereinafter "Ben-Shachar") and Lewis et al., US 6,738,635 (hereinafter "Lewis"). Claim 1 recites an event scheduling element configured to perform an application call to a message generator enabling an operator of the transmitting mobile communication device to generate a message associated with a scheduled event and to define a recipient of the message. This feature is not disclosed or suggested by the combination of Ben-Shachar and Lewis.

It is noted in the Office Action that Ben-Shachar does not disclose or suggest a message generator as recited in Applicant's claim 1. Thus, Ben-Shachar cannot disclose the above noted feature of amended claim 1. Combining Ben-Shachar with Lewis fails to remedy this deficiency.

While Lewis discloses a schedule program there is no disclosure or suggestion in Lewis that the schedule program "performs an application call to a message generator enabling an operator of the transmitting mobile communication device to generate a message associated with a scheduled event and to define a recipient of the message" as recited in Applicant's claim 1. Lewis discloses a schedule notification system including a computer program executed by a message originating entity (32) (Col. 8, L. 5-7). In Lewis, the computer program retrieves data related to a scheduled event from a schedule program that is also executed by the message originating entity (32), determines whether the retrieved data includes data that should be transferred to the message receiving entity (34), formats data to be transferred, and transfers the formatted data to the message receiving entity (34) (Col. 8, L. 7-14).

In Lewis it is not the schedule program that calls the schedule notification system but rather the schedule notification system calls on the schedule program at regular intervals for updating and forwarding messages (See Figs. 3 and 4 of Lewis). This is exactly the opposite of what is being claimed by Applicant in claim 1.

In Lewis the schedule notification process flow (48) includes data retrieval (50), an update message decision (70), data formatting (90) and transferring data (110) to at least one message receiving entity (34) (Col. 8, L. 15-20). The data retrieval process flow (50) occurs in Lewis when a computer program embodying the invention first performs the method of Figure 3 and then again each time a retrieval time interval (60) elapses thereafter (Col. 9, L. 28-35). In Lewis the schedule notification process flow (48) retrieves schedule data when the schedule notification system is first executed by the message originating entity (32). The schedule notification process flow (48) resets a timer to indicate that no time has elapsed since the schedule data was last retrieved. The schedule notification process flow (48) operates the timer to track the amount of time that has elapsed since the timer was last reset and compares the elapsed time since the schedule data was last retrieved to the retrieval time interval (60). If the elapsed time does not exceed the user selectable retrieval time interval (60), the schedule notification process flow (48) will again operate the timer and will not retrieve scheduled data. If the elapsed time exceeds the retrieval interval time (60) the schedule notification process flow (48) will retrieve the scheduled data. (Col. 9, L. 32-56). Thus, in Lewis the schedule notification system independently accesses the schedule program for retrieving and sending messages. Therefore, Lewis cannot disclose or suggest an event scheduling element configured to perform an application call to a message generator enabling an operator of the transmitting mobile communication device to generate a message associated with a scheduled event as recited by Applicant.

Thus, claim 1 is patentable because neither Ben-Shachar nor Lewis, individually or in combination, disclose or suggest all the features recited in claim 1. Claims 7 and 10 are patentable for reasons that are substantially similar to those described above with

respect to claim 1. Claims 2-6, 8, 9 and 12-14 are patentable at least by reason of their respective dependencies.

Further, claim 12 recites that the message generator is configured to send a counting start request to the timing element wherein the predetermined time is registered in the timing register in response to the counting start request. This feature is not disclosed or suggested by the combination of Ben-Shachar and Lewis. Figure 4, elements (54) and (56) of Lewis are cited in rejecting claim 12. However, as described above Figure 4 of Lewis only discloses the data retrieval process flow (50) for retrieving data schedule data from the data storage device of the message originating entity (32) (Col. 9, L. 28-32). Elements (54) and (56) of Figure 4 describes how the data is retrieved from the storage device based on a time interval and the process for checking to see if that time interval has run and nothing more (Col. 9, L. 43-56). The time interval of Figure 4 in Lewis is not at all concerned with "a counting start request" for sending a message or "registering a predetermined time in a timing register" as claimed in Applicant's claim 12. Thus, claim 12 is patentable for this additional reason.

Claim 13 recites that the timing element is configured to continually check the predetermined time with an internal clock function and send a counting done signal to the message generator when the predetermined time is reached to initiate the sending of the message. This feature is not disclosed or suggested by the combination of Ben-Shachar and Lewis. Again, Figure 4 of Lewis is cited in rejecting claim 13. However, the "yes signal" of Figure 4 again relates to the running of the time interval for retrieving data from the data storage device of the message originating entity (32) and nothing more. There is no disclosure in Lewis that any message is sent when the retrieval time interval (60) is reached. Rather all that is disclosed with respect to the retrieval time interval (6) as described in Figure 4 of Lewis is that "if the elapsed time exceeds the retrieval interval (60), the schedule notification process flow (48) will retrieve scheduled data once again" (Col. 9, L. 54-56). Thus, claim 13 is patentable for this additional reason.

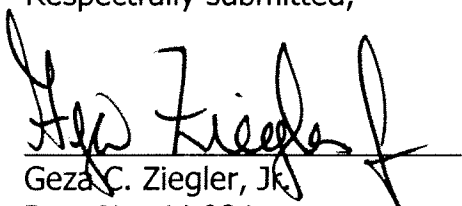
Claim 11 recites that the timing application continuously checks the predetermined time against an internal clock and sends a counting done signal to the message generator application when the predetermined time is reached to initiate the sending of the message. Claim 11 is patentable over the combination of Ben-Shachar and Lewis for reasons that are substantially similar to those described above with respect to claim 13. This argument also applies to claim 10.

4. Claim 5 is patentable under 35 U.S.C. 103(a) over Ben-Shachar, Lewis and Kawamoto et al., US 7,194,558 (hereinafter "Kawamoto"). Claim 5 depends from claim 1. For the reasons described above the combination of Ben-Shachar and Lewis does not disclose or suggest all the features of Applicant's claim 1. Thus, it is submitted that the combination of Ben-Shachar, Lewis and Kawamoto can not as well. Therefore, claim 5 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

28 Jan 2008  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 28 January 2008

Signature: Shannon D'Amico  
Shannon D'Amico